

WALPOLE PLANNING BOARD MINUTES OF APRIL 5, 2012

A regular meeting of the Walpole Planning Board was held on Thursday, April 5, 2012 at 7:00 p.m. in the Main Meeting Room at town hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk (7:10 a.m.); Richard Mazzocca, Richard Nottebart, and Margaret Walker, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of March 1, 2012. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to accept the minutes of March 15, 2012. Motion seconded by Mr. Nottebart and voted 4-0-0.

Time Cards: Mr. Conroy moved to endorse the secretary's time cards. Motion seconded by Mr. Nottebart and voted 4-0-0.

Wisteria Way II: Mr. Conroy read a letter dated March 29, 2012 from John Walsh, Wisteria Ways Corporation requesting that the remainder of the roads in the Wisteria Ways Subdivision (Lavender lane, Redgate Road, Daylily Lane) be finished with a "Cape Cod" profile berm instead of the standard 6" asphalt berm as he feels Cape Cod berm is more durable to snow plows and homeowner damage due to automobile tires. Ms. Walker stated the town likes the Cape Cod berm better and when we do berm, it is Cape Cod, not vertical.

Mr. Conroy moved to allow the applicant, Wisteria Ways Corporation to used Cape Cod berm on the remainder of the roads in the Wisteria Ways Subdivision. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy noted that this would be considered a change to the berm, not a modification to the subdivision.

Sea Biscuit Farm: In a letter dated March 14, 2012, Atty. Philip Macchi I requested an informal discussion with the board regarding Dr. Goodband's property, 546 Fisher Street, Walpole with regard to a potential lot layout.

Mr. Forsberg arrived at 7:20 p.m.

7:45 p.m. 576 Common Street Definitive Subdivision: The applicant, Peter Alberini, Wagon Road, was represented by Atty. Philip Macchi II, Norwood, MA. Mr. Conroy read the public hearing notice and the board's clerk, John Murtagh, verified notification of abutters by checking the mailing green cards. He stated all have been returned except for one. Mr. Macchi reminded the board he had previously filed a preliminary plan for this subdivision. He also has an ANR plan showing frontage on Common Street; however, he doesn't want to file the ANR at this time to force a signature or a default. He will file it down the road. Mr. Macchi stated that only one lot has frontage on the new street. Mr. Macchi stated he has met with the fire chief.

Matt Smith, Norwood Engineering stated they are looking for approval to build one 18' roadway with two lots in the back. They want to put in a hammerhead at the end to allow a fire truck to turn around. They presented the radius to the board to show they

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have the room to turn a truck if necessary. They will be bringing in an 18" water line from Common Street and will also put in a hydrant. They are proposing to have an infiltration swale. The elevation goes from 238' to 240' and the side slope will be 3-1. They will be able to recharge all the storm water including a 100-year storm. Mr. Macchi stated the houses will be out of the watershed. Someone could ask for a variance, but this design forces any homeowner to build outside the watershed.

Mr. Conroy read board comments, including the fire chief and tree warden. Mr. Conroy stated we need letters back from them telling us their requirements and comments have been met. Mr. Conroy questioned the tree warden's letter requesting as part of the site plan approval the applicant ask the tree warden to hold a public hearing and assume all costs involved in the advertisement of such hearing and replacement of all public shade trees removed greater than 4" DBH at a ratio of 2:1. Ms. Walker stated the public hearing would be for public shade trees as opposed to a scenic road hearing. Mr. Macchi stated the Board of Health wants sidewalks every where. Also, NSTAR will not put a light on a private way, so they would like driveway lights. Mr. Walker stated she has gone over her comments with Mr. Macchi. She requested that the board not grant a waiver for monuments or private bounds. Matt Smith stated there are existing monuments on Common Street and also a lot in the back of the property. If Ms. Walker feels it needs to be done, they will do it. Ms. Walker stated she wants them in the typical places.

Mr. Mazzocca asked if Sewer and Water commented and Mr. Conroy stated yes and they wanted a hydrant hook up. Mr. Mazzocca questioned the offset to Eleanor Road and Matt Smith stated they meet them. Mr. Forsberg asked if there will be an issue with the swale and the road layout. Ms. Walker stated if this was public, yes, but this will be private and the owners will have total control. We don't want to maintain something and in this case we don't have to. Mr. Macchi stated there will be a covenant with the town that this will remain private in perpetuity, they will have a mutual maintenance agreement and they will grant the town the right to maintain anything they choose and charge back for it.

Mr. Forsberg stated he is looking for a donation to the sidewalk fund because of the waivers. Mr. Macchi stated he will work that out with Ms. Walker. Mr. Conroy asked if they will grant an easement to the town and Mr. Macchi stated yes for an emergency situation. Mr. Murtagh stated the town has no jurisdiction on a private way and Mr. Macchi agreed. Mr. Nottebart asked if the area in the back is wooded and Mr. Macchi stated yes. Mr. Nottebart asked what fairway this is near and Mr. Smith stated the 14th. Mr. Nottebart asked about the WRPOD and asked if there is any risk back there. Mr. Macchi stated the mitigation is minimize the pavement. Mr. Nottebart asked if the abutter who didn't respond to the hearing notice lives next to this property. Mr. Macchi stated they don't live here. Mr. Conroy stated they live across the street. Mr. Conroy has no comments at this point.

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There were no public comments.

Mr. Macchi gave the board an extension of time up to and including May 31, 2012. Mr. Conroy moved to accept an extension of time up to and including May 31, 2012. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued the hearing to May 17, 2012 at 7:30 p.m.

8:25 P.M. Southridge Farm Site Plan Approval, Case No. 12-3 and Special Permit, Case No. 12-4: Mr. Conroy read a request dated March 14, 2012 from GLM Engineering, Holliston, MA asking to withdraw these two applications without prejudice. Mr. Conroy moved to allow the applicant to withdraw Case No. 12-3 and 12-4 without prejudice. Motion seconded by Mr. Nottebart and voted 5-0-0.

8:27 P.M. 2012 Spring Town Meeting Article 26 Continued Hearing: Mr. Conroy read a letter dated March 29, 2012 from the Board of Selectmen informing the Planning Board they voted to open the Spring Town Meeting Warrant in order to remove the language for Articles #25 and #26 from the warrant and replace with the word "reserve". They then voted to close the warrant.

Mr. Conroy moved to close the hearing on Article 26. Motion seconded by Mr. Forsberg and voted 4-0-1 (Mr. Mazzocca abstained.)

Mr. Conroy moved "No Action" on Article 26. Motion seconded by Mr. Forsberg and voted 4-0-1 (Mr. Mazzocca abstained).

High Plain Street Alterations: Ms. Walker submitted a memo written to her from the Board of Selectmen dated March 21, 2012 re: Article 32 Street Layout and also a memo from her to Eric Kraus dated February 23, 2012 re: High Plan Street Layout Alteration. Ms. Walker showed the board a conceptual plan as it relates to this area. She stated she needs a recommendation from the Planning Board to the Selectmen. Mr. Conroy stated we need something from town counsel telling us how to proceed. He asked Ms. Walker to contact town counsel regarding the process.

Atty. Philip Macchi II stated the Board of Selectmen would be doing this as Road Commissioners and feels the Planning Board is not involved at all. The Selectmen were holding the hearing for this. He doesn't feel the Planning Board is obliged to do anything, but if the Planning Board feels they want to comment they can state they are in favor of this being done and they are in support of this article as it was part of the Walmart site plan.

Plimptonville Site Plan: Mr. Conroy read a memo dated April 4, 2012 from Margaret Walker regarding Plimptonville Abutters Questions/Concerns. She stated that as per the minutes of March 1st, Mr. Conroy asked Ms. Walker to address the concerns of the

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abutters. She is requesting that the site engineer answer the questions raised. She feels it is more appropriate for Rick Merrikin to respond.

Walpole Park South: Mr. Conroy moved to release the Tripartite Agreement between the Town of Walpole, Old Stone Bank and V-J Corporation dated May 17, 1986 filed with the Norfolk County Registry District of the Land Court as Document No. 493795 as alternative surety has been provided to the Planning Board's satisfaction which was endorsed on March 1, 2012. Said release has been authorized by Atty. Ilana Quirk, Town Counsel, Kopelman & Paige. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Macchi took the original endorsed release for recording.

Minuteman Truck Site Plan, Case No. 11-10: Mr. Conroy moved to endorse a site plan entitled "Minuteman Truck Facility at 2195 Boston Providence Highway in Walpole, MA" dated October 4, 2011, latest revision March 13, 2012 by Norwood Engineering Company, 1410 Route One, Norwood, MA for shown as Assessors Map 64, Parcel 50, Zoning District HB, WRPOD Area 3, Primary Recharge Area. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Atty. Philip Macchi, II took the mylars and will return four copies to the board.

ANR – 400 Old Post Road, Lot 28: Rick Merrikin, Merrikin Engineering, Millis stated that the house on the property has been razed and he is now asking the board to allow the creation of Lot 28. Mr. Conroy moved to endorse an ANR plan of land dated March 14, 2012, by Paul J. Desimone, PLS, 38 Coffee Street, Medway, MA showing Lot 28 being a subdivision of Lot 27 on Land Court Plan 13017J, Assessors' Parcel 35-103 and 104, Zoning District RB and finding Form A in order and subdivision control not required. Motion seconded by Mr. Nottebart and voted 5-0-0. The owner of the property is Mary Bremilst, 82 North Street, Norfolk, MA. It was noted that the property is not within the Flood Plain or within the WRPOD. The owner's title to the land is derived under deed from John Sabiotes (probate) Land Court Certificate of Title No. 183956.

Atlantic Court Extension and Plimpton Street ANR Discussion: Mr. Viano stated he presently has a 4-lot subdivision with deeded access through Atlantic Court Extension which he is thinking about rescinding as the parcel in question has sufficient frontage on Plimpton Street for two lots. Mr. Viano stated that his "practical" access would be Atlantic Court Extension. Further, each of the two lots would have 9-11 acres. The question is "practical" access. Mr. Viano stated that before coming to the Planning Board meeting, he had asked Jack Mee, Building Inspector, his opinion. Mr. Mee asked town counsel who stated that Mr. Mee has no authority with regard to this, but it "lives" with the Planning Board. He stated the Planning Board has the ability to approve this type of plan as long as there is "practical" access from other areas. There is case law to support this opinion, but it is murky.

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Mr. Viano stated he did meet with the Deputy Fire Chief, Michael Laracy, who stated he would require a hammerhead turnaround, with access through Atlantic Court, but no hydrant.

Mr. Viano stated that over the years, the town has approved ANR plans that in his opinion have no practical access. MGL says endorsement of the proposed ANR plan by the Planning Board would make it a valid plan. Mr. Conroy stated we can't give you an ANR on an approved subdivision. He asked Mr. Viano where he stands with the Conservation Commission and the Atlantic Court subdivision Lot 5. Mr. Viano stated he gave the Conservation Commission the deed, but they didn't accept it because of formatting questions, form, etc. Mr. Conroy stated we have an approved subdivision and a special condition of approval is to deed Lot 5 to the Conservation Commission at the same time the definitive plan is endorsed. Mr. Viano stated that the Conservation Commission is not ready to accept the deed. Mr. Conroy stated we don't have anything from the Conservation Commission telling us they don't want Lot 5. It looks like you never conveyed it to them. Mr. Viano stated the Conservation Agent has a problem with the deed, not the Commission. He doesn't know why as he is proposing two houses instead of four; two driveways instead of a roadway. What he is proposing is a better plan and a better use of the land.

Mr. Forsberg moved to send a letter to the Conservation Commission requesting their input regarding the acceptance of the deed for Lot 5, Atlantic Court Extension. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy stated we should ask for a vote from the Conservation Commission regarding acceptance of the deed because according to Mr. Viano it is the Conservation Agent that is keeping the deed from being accepted. He said the Conservation Commission doesn't have a problem with what has been submitted, but the agent does. Mr. Conroy stated we need clarification.

CVS: Mr. Forsberg stated he told Mr. Mee his issues with the parking lot. Mr. Conroy asked the board to come back with a list of their parking lot issues and the board will discuss at the next meeting.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 4/19/12

Correspondence referenced in the minutes of April 5, 2012:

- Letter dated March 29, 2012 from John Walsh, Wisteria Ways Corporation requesting that the remainder of the roads in the Wisteria Ways Subdivision (Lavender lane, Redgate Road, Daylily Lane) be finished with a “Cape Cod” profile berm instead of the standard 6” asphalt berm;
- Letter dated March 14, 2012, Atty. Philip Macchi I requesting an informal discussion with the board regarding Dr. Goodband’s property, 546 Fisher Street, Walpole with regard to a potential lot layout;
- Board comments, including the fire chief and tree warden for 576 Common Street Definitive Subdivision;
- Request dated March 14, 2012 from GLM Engineering, Holliston, MA asking to withdraw two applications without prejudice.
- Letter dated March 29, 2012 from the Board of Selectmen informing the Planning Board they voted to open the Spring Town Meeting Warrant in order to remove the language for Articles #25 and #26 from the warrant and replace with the word “reserve”.
- Memo written to her from the Board of Selectmen dated March 21, 2012 re: Article 32 Street Layout and also a memo from her to Eric Kraus dated February 23, 2012 re: High Plan Street Layout Alteration.